

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
P O Box 50013
San Jose, CA 95150-0013

Telephone: (408) 354-4413
Facsimile: (408) 354-5513

Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:)	Chapter 13
)	Case No. 22-51017HLB
Annais Ibarra-Espinoza)	
)	SECOND AMENDED TRUSTEE'S OBJECTION
)	TO CONFIRMATION WITH CERTIFICATE OF
)	SERVICE
)	
)	Initial Confirmation Hearing Date: January 4, 2023
)	Initial Confirmation Hearing Time: 11:00AM
)	Place: Telephonic or Video Only
)	
)	Judge: Hannah L. Blumenstiel
)	
)	
Debtor(s))	

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the following reasons:

1. In order to assist the Trustee in determining whether the disposable income test in 11 U.S.C. §1325(b)(1)(B) and/or the feasibility test in 11 U.S.C. §1325(a)(6) is met, the Trustee requests that the Debtor(s) provide her with a copy of each federal and state income tax return and W-2 form required under applicable law with respect to each tax year of the Debtor's ending while the case is pending confirmation. The tax return shall be provided to her at the same time it is filed with the taxing authority.

1 2. The Plan is not feasible pursuant to 11 U.S.C. §1325(a)(6) because the Debtor is
2 proposing to pay a total of \$67,320.00 and this is not enough money to pay all scheduled
3 and/or filed secured, priority, administrative, and any general unsecured claims plus
4 trustee's fees. As of the date of this objection, and based on the Trustee's review of
5 scheduled and filed claims, the Debtor would need to pay \$72,300.00. **This amount can
6 change *daily* because it is derived from many variables including the amounts stated
7 on filed claims, changing treatment of claims in amended plans, objections to claims,
8 additional attorneys fees and changing trustee's fees. The actual amount of money
9 needed to complete the plan cannot be determined until after the plan is confirmed
10 and all claims are filed and allowed. The Trustee is providing the above number to
11 assist the Debtor in understanding why the plan is not feasible at this time. The
12 number does not represent an actual payoff for the case and cannot be relied upon
13 for any purpose other than to demonstrate lack of feasibility.**
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17 Dated: December 28, 2022

/S/ Devin Derham-Burk

18 _____
19 Chapter 13 Trustee
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1 **CERTIFICATE OF SERVICE BY MAIL**

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3 I declare that I am over the age of 18 years, not a party to the within case; my business

4 address is 105 Cooper Court, Los Gatos, California 95032. I served a copy of the within Trustee's

5 Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California

6 on December 28, 2022.

7 Said envelopes were addressed as follows:

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9 Annais Ibarra-Espinoza

10 1450 North 1st Street Apt 18

11 Salinas, CA 93906

Price Law Group APC

6345 Balboa Blvd Suite 247

Encino, CA 91316

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14 /S/ Lesley Pace

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16 Office of Devin Derham-Burk, Trustee

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